

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD TOWNSEND,

Plaintiff,

v.

KAREN RHODES, et al.

Case No. 14-10411
HON. TERENCE G. BERG
HON. ANTHONY P. PATTI

Defendants.

/

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION (DKT. 84) AND DENYING PLAINTIFF'S
MOTIONS FOR IMMEDIATE PRELIMINARY INJUNCTIONS
AND RESTRAINING ORDERS (DKTS. 57, 63)**

This matter is before the Court on Magistrate Judge Anthony P. Patti's September 15, 2015 Report and Recommendation (Dkt. 84), recommending that Plaintiff Richard Townsend's two similar motions for immediate preliminary injunctions and restraining orders (Dkts. 57, 63) against non-parties Bonita Hoffner, Warden at Lakeland Correctional Facility, and Betsy Roberts-Spreeman, Lakeland Correctional Facility Health Unit Manager, be denied.¹

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). On September 25, 2015, Plaintiff moved for an additional 14 days beyond the original deadline of September 29, 2015 to file objections, a request

¹ The lone Defendant remaining in this case is an apparent sub-contractor who works in part at the G. Robert Cotton Correctional Facility in Jackson, Michigan. (See Dkts. 1, 85.) Plaintiff is currently incarcerated at the Lakeland Correctional Facility in Coldwater, Michigan (Dkt. 9), but no employee or sub-contractor of that facility is a party to this action as of the date of this Order.

which would result in a new deadline of October 13, 2015.² (Dkt. 86.) On October 5, 2015, the Court granted Plaintiff an additional 15 days from the date of that Order – setting a new deadline of October 20, 2015 to file objections. (October 5, 2015 text-only order.) A copy of the Court’s text-only order was mailed to Plaintiff that same day. (*See id.*)

Plaintiff filed no objections by October 20, 2015, and has still not filed any as of the date of this Order. As of today, Plaintiff has had over seven weeks to file his objections or request additional time to so file, but has chosen not to do so. The time to file any objection to the Magistrate Judge’s September 15, 2015 Report and Recommendation has now expired.

The district court will make a “*de novo* determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will, therefore, accept the Magistrate Judge’s Report and Recommendation of September 15, 2015, as this Court’s findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Patti’s Report and Recommendation of September 15, 2015 (Dkt. 84), is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Plaintiff Richard Townsend’s two

² Plaintiff’s motion for an extension was dated September 25, 2015 and filed on September 30, 2015. (*See* Dkt. 86.) Plaintiff contended that he needed additional time because he has “lost his eye sight, [and] suffer from severe kidney and nerves pain due to Department of Correction’s Medical Staffs denial plaintiff insulin.” (Dkt. 86, p. 1.) Even with these difficulties, however, as of October 21, 2015, Plaintiff had managed to file four other motions with this Court dated October 1 (Dkt. 87), and October 16, 2015 (Dkts. 89-91).

motions for immediate preliminary injunctions and restraining orders (Dkts. 57, 63) are **DENIED**.

SO ORDERED.

Dated: November 4, 2015

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on November 4, 2015, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager